

110TH CONGRESS
1ST SESSION

H. R. 2564

To amend title 18, United States Code, to prohibit human cloning.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2007

Mr. WELDON of Florida (for himself, Mr. STUPAK, Mr. SMITH of New Jersey, Mr. PITTS, Mr. PENCE, Mr. BOOZMAN, Mr. GARRETT of New Jersey, Mr. FORTENBERRY, Mrs. SCHMIDT, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. KING of Iowa, Mr. AKIN, Mr. RENZI, Mr. LIPINSKI, Mr. RAHALL, Mr. MCINTYRE, Mr. MANZULLO, Mr. SESSIONS, Mrs. JO ANN DAVIS of Virginia, Mr. TIAHRT, Mr. GINGREY, Mr. LEWIS of Kentucky, Ms. FOXX, Mr. BOUSTANY, Mr. HENSARLING, Mr. JORDAN of Ohio, Mr. TERRY, Mr. FERGUSON, and Mr. KELLER of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit human cloning.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Human Cloning Prohi-
5 bition Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) some individuals have announced that they
2 will attempt to clone human beings using the tech-
3 nique known as somatic cell nuclear transfer already
4 used with limited success in sheep and other ani-
5 mals;

6 (2) nearly all scientists agree that such at-
7 tempts pose a massive risk of producing children
8 who are stillborn, unhealthy, or severely disabled,
9 and considered opinion is virtually unanimous that
10 such attempts are therefore grossly irresponsible and
11 unethical;

12 (3) efforts to create human beings by cloning
13 mark a new and decisive step toward turning human
14 reproduction into a manufacturing process in which
15 children are made in laboratories to preordained
16 specifications and, potentially, in multiple copies;

17 (4) because it is an asexual form of reproduc-
18 tion, cloning confounds the meaning of “father” and
19 “mother” and confuses the identity and kinship rela-
20 tions of any cloned child, and thus threatens to
21 weaken existing notions regarding who bears which
22 parental duties and responsibilities for children;

23 (5) because cloning requires no personal in-
24 volvement by the person whose genetic material is

1 used, cloning could easily be used to reproduce living
2 or deceased persons without their consent;

3 (6) creating cloned live-born human children
4 (sometimes called “reproductive cloning”) nec-
5 essarily begins by creating cloned human embryos, a
6 process which some also propose as a way to create
7 embryos for research or as sources of cells and tis-
8 sues for possible treatment of other humans;

9 (7) the prospect of creating new human life
10 solely to be exploited and destroyed in this way has
11 been condemned on moral grounds by many, includ-
12 ing supporters of a right to abortion, as displaying
13 a profound disrespect for life, and recent scientific
14 advances with adult stem cells indicate that there
15 are fruitful and morally unproblematic alternatives
16 to this approach;

17 (8) in order to be effective, a ban on human
18 cloning must stop the cloning process at the begin-
19 ning because—

20 (A) cloning would take place within the
21 privacy of a doctor-patient relationship;

22 (B) the transfer of embryos to begin a
23 pregnancy is a simple procedure; and

24 (C) any government effort to prevent the
25 transfer of an existing embryo, or to prevent

1 birth once the transfer has occurred, would
2 raise substantial moral, legal, and practical
3 issues, so that it will be nearly impossible to
4 prevent attempts at “reproductive cloning” once
5 cloned human embryos are available in the lab-
6 oratory;

7 (9) the scientifically and medically useful prac-
8 tices of cloning of DNA fragments, known as molec-
9 ular cloning, the duplication of somatic cells (or
10 stem cells) in tissue culture, known as cell cloning,
11 and whole-organism or embryo cloning of nonhuman
12 animals are appropriate uses of medical technology;

13 (10) in the preamble to the 1998 Additional
14 Protocol on the Prohibition of Cloning Human
15 Beings the Council of Europe agreed that “the
16 instrumentalisation of human beings through the de-
17 liberate creation of genetically identical human
18 beings is contrary to human dignity and thus con-
19 stitutes a misuse of biology and medicine”;

20 (11) collaborative efforts to perform human
21 cloning are conducted in ways that affect interstate
22 and even international commerce, and the legal sta-
23 tus of cloning will have a great impact on how bio-
24 technology companies direct their resources for re-
25 search and development;

1 (12) at least 23 countries have banned all
 2 human cloning, including Canada, France, and Ger-
 3 many;

4 (13) the United Nations has passed a declara-
 5 tion calling for all human cloning to be banned by
 6 member nations; and

7 (14) attempts to create cloned human embryos
 8 for development of embryonic stem cell lines have
 9 been unsuccessful, most recently involving the exploi-
 10 tation of over a hundred women in South Korea to
 11 provide over 2,000 human eggs without the produc-
 12 tion of a single stem cell line.

13 **SEC. 3. PROHIBITION ON HUMAN CLONING.**

14 (a) IN GENERAL.—Title 18, United States Code, is
 15 amended by inserting after chapter 15, the following:

16 **“CHAPTER 16—HUMAN CLONING**

“Sec.

“301. Definitions.

“302. Prohibition on human cloning.

17 **“§ 301. Definitions**

18 “In this chapter:

19 “(1) HUMAN CLONING.—The term ‘human
 20 cloning’ means human asexual reproduction, accom-
 21 plished by introducing the nuclear material of a
 22 human somatic cell into a fertilized or unfertilized
 23 oocyte whose nucleus has been removed or inac-
 24 tivated to produce a living organism (at any stage

1 of development) with a human or predominantly
2 human genetic constitution.

3 “(2) SOMATIC CELL.—The term ‘somatic cell’
4 means a diploid cell (having a complete set of chro-
5 mosomes) obtained or derived from a living or de-
6 ceased human body at any stage of development.

7 **“§ 302. Prohibition on human cloning**

8 “(a) IN GENERAL.—It shall be unlawful for any per-
9 son or entity, public or private, in or affecting interstate
10 commerce—

11 “(1) to perform or attempt to perform human
12 cloning;

13 “(2) to participate in an attempt to perform
14 human cloning; or

15 “(3) to ship or receive the product of human
16 cloning for any purpose.

17 “(b) IMPORTATION.—It shall be unlawful for any per-
18 son or entity, public or private, to import the product of
19 human cloning for any purpose.

20 “(c) PENALTIES.—

21 “(1) IN GENERAL.—Any person or entity that
22 is convicted of violating any provision of this section
23 shall be fined under this section or imprisoned not
24 more than 10 years, or both.

1 “(2) CIVIL PENALTY.—Any person or entity
 2 that is convicted of violating any provision of this
 3 section shall be subject to, in the case of a violation
 4 that involves the derivation of a pecuniary gain, a
 5 civil penalty of not less than \$1,000,000 and not
 6 more than an amount equal to the amount of the
 7 gross gain multiplied by 2, if that amount is greater
 8 than \$1,000,000.

9 “(d) SCIENTIFIC RESEARCH.—Nothing in this sec-
 10 tion shall restrict areas of scientific research not specifi-
 11 cally prohibited by this section, including research in the
 12 use of nuclear transfer or other cloning techniques to
 13 produce molecules, DNA, cells other than human embryos,
 14 tissues, organs, plants, or animals other than humans.”.

15 (b) CLERICAL AMENDMENT.—The table of chapters
 16 for part I of title 18, United States Code, is amended by
 17 inserting after the item relating to chapter 15 the fol-
 18 lowing:

“16. Human Cloning 301”.

